



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

January 19, 2010

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

# ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

39 JANUARY 19, 2010

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Dear Supervisors:

**TUNA CANYON ROAD AT MILE MARKERS 4.97 AND 4.98  
TUNA CANYON ROAD AT MILE MARKER 5.04  
DELEGATE AUTHORITY TO ADOPT, ADVERTISE, AND AWARD  
ROAD CONSTRUCTION PROJECTS IN THE COUNTY OF LOS ANGELES UNINCORPORATED  
COMMUNITY OF BIG ROCK  
(SUPERVISORIAL DISTRICT 3)  
(3 VOTES)**

### SUBJECT

These actions are to approve projects for construction of a retaining wall on Tuna Canyon Road at Mile Markers 4.97 and 4.98 and the installation of slope protection on Tuna Canyon Road at Mile Marker 5.04 in the County of Los Angeles unincorporated community of Big Rock and carry out accelerated delivery of these projects including delegation of authority to the Director of Public Works or her designee to adopt plans and specifications, advertise for bids, and award and execute a contract with a responsible contractor with the lowest responsive bid.

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find that these projects are exempt from the California Environmental Quality Act.
2. Approve these projects and delegate to the Director of Public Works or her designee the authority to adopt plans and specifications and advertise for competitive bidding for these projects in the County of Los Angeles unincorporated community of Big Rock at an estimated construction contract cost between \$1,100,000 and \$1,400,000 for the retaining wall project on Tuna Canyon Road at Mile Markers 4.97 and 4.98 and between \$20,000 and \$60,000 for the slope protection project on Tuna Canyon Road at Mile Marker 5.04.
3. Upon receiving notification from the Director of Public Works or her designee that plans and specifications have been adopted by the Director of Public Works or her designee, instruct the Executive Officer of the Board of Supervisors to advertise these projects for competitive bidding and seal and return the plans and specifications to the Department of Public Works for filing.
4. Authorize the Director of Public Works or her designee to award and execute contracts with the responsible contractors with the lowest responsive bids, so long as the bid amounts do not exceed the estimated cost range for each project; approve the Faithful Performance and Labor and Material bonds submitted by the contractors; and take all other actions necessary and appropriate to fully deliver these projects.
5. Authorize the Chief Executive Officer to permit the Director of Public Works or her designee to award and execute the contracts for these projects that exceed the estimated cost range, if the Chief Executive Officer finds that additional and appropriate funds have been identified and deems it to be in the best interest of the County of Los Angeles.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of Recommendation Nos. 1 through 5 is to obtain approval of these projects and carry out accelerated delivery of the roadway construction projects on Tuna Canyon Road to repair damage caused by the 2005 rainstorms. The recommended actions are necessary for the Director of Public Works or her designee to adopt plans and specifications and advertise these projects for bids immediately upon receipt of the Coastal Development Permits to be issued by the California Coastal Commission (CCC). The accelerated delivery is necessary in order to complete construction by the deadline set forth by the Federal Emergency Management Agency (FEMA). Construction must be field accepted on or before October 31, 2010.

After the 2005 rainstorms, FEMA approved the construction of one retaining wall on Tuna Canyon Road at Mile Markers 4.97 and 4.98, and one retaining wall at Mile Marker 5.04. Geotechnical investigations were performed in the summer of 2005. Due to the presence of excessive gravel in the soil, drilling operations to determine the depth of bedrock were not feasible. As a result, geotechnical information required to proceed with the design of the retaining walls was not available.

The Department of Public Works (Public Works) subsequently submitted a proposal to FEMA to realign Tuna Canyon Road at Mile Markers 4.97 and 4.98, and to install slope protection on Tuna Canyon Road at Mile Marker 5.04 as an alternative to the construction of retaining walls.

In September 2006, FEMA rejected Public Works' proposal to realign Tuna Canyon Road at Mile Markers 4.97 and 4.98. FEMA's decision was appealed in November 2006. After a lengthy review period, FEMA denied the appeal in December 2007. Public Works considered several other design alternatives, and finally used sonic testing to identify the depth of bedrock. As a result, Public Works concluded that a retaining wall could feasibly be constructed at this location. Design of the retaining wall was completed in October 2009 and a Coastal Development Permit application was submitted to the CCC. The permit application for the retaining wall was conditionally approved by the CCC in December 2009, and the permit is expected to be formally issued in January 2010.

FEMA also rejected Public Works' proposal to install slope protection on Tuna Canyon Road at Mile Marker 5.04 in September 2006. Public Works appealed FEMA's decision and was able to obtain FEMA's approval of the slope protection in December 2007. Permit applications were then submitted to the CCC, the California State Department of Fish and Game, and the Army Corps of Engineers for this location. However, the Coastal Development Permit was denied in January 2008 due to opposition from the Heal the Bay and Santa Monica Baykeepers organizations. Public Works met with these groups on numerous occasions over the following year and revised the design plans to address their concerns. The revised permit application for this location was submitted to the CCC in October 2009. The permit application will be considered by the CCC in January 2010, and if approved, the permit is expected to be received by March 2010.

Section 20395 of the State Public Contract Code allows your Board the ability to delegate authority to the Director of Public Works or her designee to carry out all aspects of these projects consistent with the recommendations contained herein. Granting this authority to the Director of Public Works or her designee will accelerate delivery of these storm damage repair projects and retain FEMA reimbursement eligibility.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). The recommended actions will help meet these goals by accelerating the delivery of these projects to benefit our communities and the traveling public and improve their quality of life.

### **FISCAL IMPACT/FINANCING**

The estimated construction contract costs to complete these projects are in the range of \$1,100,000 to \$1,400,000 for the retaining wall on Tuna Canyon Road at Mile Markers 4.97 and 4.98 and in the range of \$20,000 to \$60,000 for the slope protection on Tuna Canyon Road at Mile Marker 5.04.

These projects are necessary as a result of damage caused by the rainstorms of January and February 2005. FEMA and the California Emergency Management Agency (CalEMA) have obligated \$277,000 for the Tuna Canyon Road at Mile Markers 4.97 and 4.98 project and \$110,000 for Tuna Canyon Road at Mile Marker 5.04. However, the County will pursue additional FEMA/CalEMA funding based on actual expenditures incurred and could potentially receive reimbursement of a significant portion of the total cost of these projects.

The remaining cost of the projects in excess of any Federal and State disaster assistance reimbursement received will be financed with Road funds and State Proposition 1B transportation bond funds received under the Local Streets and Road Improvement, Congestion Relief, and Traffic Safety Account of 2006. Your Board previously approved the use of up to \$48,000 in Proposition 1B bond funds for these projects. Funding for these projects is included in the Third Supervisorial District's Road Construction Program in the Fiscal Year 2009-10 Road Fund Budget.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

Delegating to the Director of Public Works or her designee the authority to adopt the plans and specifications, advertise for bids, and award and execute a contract will allow an accelerated process for delivery of these projects. The contract agreement will be in the form previously reviewed and approved by County Counsel.

The authority delegated in Recommendation No. 4 will allow the Director of Public Works or her designee to award contracts within each project's bid range. In the event that the lowest responsive bid exceeds the bid range, Recommendation No. 5 will allow these projects to be awarded if deemed appropriate and in the County's best interest by the Chief Executive Officer (CEO). Prior to any out-of-range award, the Director of Public Works or her designee will notify the CEO and the Third Supervisorial District of the intended funding source to finance the cost increase. The CEO will evaluate the funding and decide if these projects should be awarded or have the matter brought before your Board for consideration.

**ENVIRONMENTAL DOCUMENTATION**

These projects are in a disaster-stricken area in which the Governor of California declared a state of emergency and is statutorily exempt from the provisions of the California Environmental Quality Act pursuant to Section 21080(b) (3) of the Public Resources Code and Section 307.B. (5) of the Environmental Reporting Procedures and Guidelines adopted by your Board on November 17, 1987. These exemptions provide for the repair of Public Works' facilities that were damaged or destroyed as a result of a disaster in such an area.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

When these projects are completed, it will have a positive impact by providing structural stability for the road thereby benefiting the community.

**CONCLUSION**

Please return one adopted copy of this letter to Public Works' Programs Development Division and the CEO.

Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

GAIL FARBER

Director

GF:rm

c: Chief Executive Office (Lari Sheehan)  
County Counsel  
Executive Office  
Office of Affirmative Action Compliance